



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: MARCH 10, 2008

VII.3

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-07-45
843 WEST 19TH STREET

DATE: FEBRUARY 28, 2008

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

PROJECT DESCRIPTION

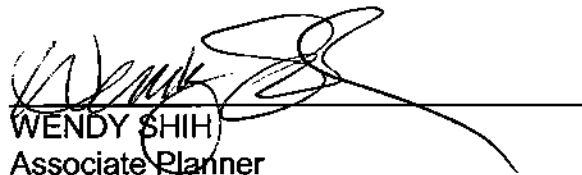
The applicant is requesting approval of a conditional use permit to enclose a 300 square-foot outdoor smoking patio area for Detroit Bar, open past 11 p.m. and located within 200 feet of a residential zone.

APPLICANT

William Munce is the authorized agent for property owner, Vera Hughes.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


KIMBERLY BRANDT AICP
Asst. Development Services Director

BACKGROUND

The subject property is located at the southwest corner of Placentia Avenue and West 19th Street. The lot is zoned C1 (Local Business District) with a General Plan designation of General Commercial. It contains an approximately 60,000 square-foot, multi-tenant shopping center (Vista Center).

The applicant requests approval of a conditional use permit to enclose a 300 square-foot outdoor smoking patio area for Detroit Bar, which serves alcoholic beverages for on-site consumption past 11 p.m. and is located within 200 feet of a residential zone. The notice also included a request for a minor conditional use permit (MCUP) to deviate from shared parking requirements. However, after further review of the site, staff found that adequate parking exist to accommodate the enclosure (279 spaces required; 307 spaces existing). Therefore, a MCUP is no longer necessary.

ANALYSIS

The applicant proposes to enclose the outdoor smoking area by a 6-foot high screen wall and gate with panic hardware. According to the applicant, the patio area will be used by existing bar patrons who wish to take their drinks or smoke outdoors. No food or beverages will be served and no seating or tables of any kind will be provided in this area. The enclosure will help the business better monitor and secure the smoking area as well as help reduce any noise impacts. Additionally, the patio is separated from the closest residences to the south by the bar itself. Therefore, enclosure of the patio should not impact residents. Staff has included conditions of approval 4 and 5 to ensure that fence design includes transparent materials and landscaping to provide visual enhancement to the area.

Since the restaurant has not generated any complaints with regard to parking or other issues, staff is recommending approval of the subject application.

GENERAL PLAN CONSISTENCY

The existing use is permitted in the C1 zone, with a conditional use permit and is, therefore, consistent with the General Plan.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Approve Planning Application PA-07-45, which would allow construction of the patio enclosure as proposed.
2. Deny the application, which would prohibit the project from being built and substantially the same request cannot be re-submitted for 6 months.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

CONCLUSION

It is staff's opinion that based on the operation of the existing business and the limitation of use within the proposed patio area, the proposal will not create any adverse impacts on the subject site or surrounding properties.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description Letter
 Zoning/Location Map
 Plans

cc: Deputy City Manager - Dev. Svs.
 Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Dan Bradley
 Detroit Project LLC.
 843 W. 19th St.
 Costa Mesa, CA 92626

William Munce
 1810 Newport Blvd., #C
 Costa Mesa, CA 92627

Trautwien Hughes
 1810 Newport Blvd., #C
 Costa Mesa, CA 92627

File: 031008PA0745	Date: 022808	Time: 11:30 a.m.
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RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-07-45**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by William Munce, authorized agent for property owner Vera Hughes, with respect to the real property located at 843 West 19th Street, requesting approval of conditional use permit to enclose a 300 square-foot outdoor smoking patio area for Detroit Bar, located within 200 feet of a residential zone, in a C1 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 10, 2008;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-07-45 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Application PA-07-45 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 10th day of March 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on March 10, 2008, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed use complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The existing use is permitted in the C1 zone, with a conditional use permit and is, therefore, consistent with the General Plan.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the use has been limited through conditions to minimize impacts to the surrounding businesses or properties. There has not been a history of Code Enforcement or Police problems associated with the use. The existing building will separate the patio from the closest residences, further minimizing potential impacts. Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the General Plan designation for the property.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng.
1. No food or beverages shall be served in the patio area.
 2. No seating or tables of any kind shall be provided in the patio area.
 3. The patio area shall not be used to calculate occupancy for the business.
 4. The screen fence shall be re-designed with more transparent materials, under the direction of the Planning staff. Submit materials/colors/sample board in addition to elevation drawings for the enclosure as part of the plan check submittal package.
 5. Provide planters/landscape pockets along the screen fence to break up and soften the elevation. No existing planter areas shall be removed/relocated without approval from the Planning Division. Submit detailed landscape plans showing any landscape modifications as part of the plan check submittal package.
 6. The conditional use permit herein approved shall be valid until revoked. However, the conditional use permit shall expire at the end of one (1) year unless the construction and use of the patio area commences or the applicant applies for and is granted an extension of time. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is operated in violation of applicable laws or ordinances or, if in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable.
 7. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
 8. Any changes in the operational characteristics shall require prior approval by the Planning Division and may require processing of an amendment to the conditional use permit.
 9. The conditions of approval and ordinance or code provisions of planning application PA-07-45 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 10. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the building final. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 11. All construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting.
 12. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding properties. The applicant and/or property owner shall institute whatever security and operational measures are necessary to comply with this requirement.



Detroit Project LLC. 843 W. 19th Street Costa Mesa 92626

October 10, 2007

**City of Costa Mesa
Planning Department**

Re: Smoking Patio Enclosure
Detroit Bar
843 West 19th Street
Costa Mesa, CA 92627

I am writing this letter to describe how the proposed enclosed smoking patio is substantially compatible with the uses permitted in the area and how it would not be materially detrimental to other properties in the same area general area. In 2001, the Memphis Group purchased the former Club Mesa. At that time, Club Mesa patrons were smoking (illegally) indoors as well as in front of the bar and parking lot. When we took over, we eliminated indoor smoking and roped off an area using stations directly in if front of the premise for smokers. Currently, patrons are prohibited from taking drinks into the roped off area and this is monitored by our security personnel. What we are proposing is to build a more permanent enclosure where temporary stanchions currently exist (see photograph), and where patrons could enjoy their beverage while smoking within the enclosure area. Beverages will not be served outdoors and no seating of any kind will be provided.

The current temporary-smoking patio essentially has existed for years and without incident. The proposed permanent enclosure would help us better monitor and secure the area and the solid fencing materials will help mitigate any chatter noise that may currently exist. Panic hardware exiting and sufficient sidewalk clearances would be maintained. The proposed patio enclosure design and materials used would also enhance the overall look of the Vista Center and that area of the Westside in general.

We appreciate your consideration in approving this minor conditional use permit. If you have any questions, please email me at dan@detroitbar.com or call me at 714-715-1978.

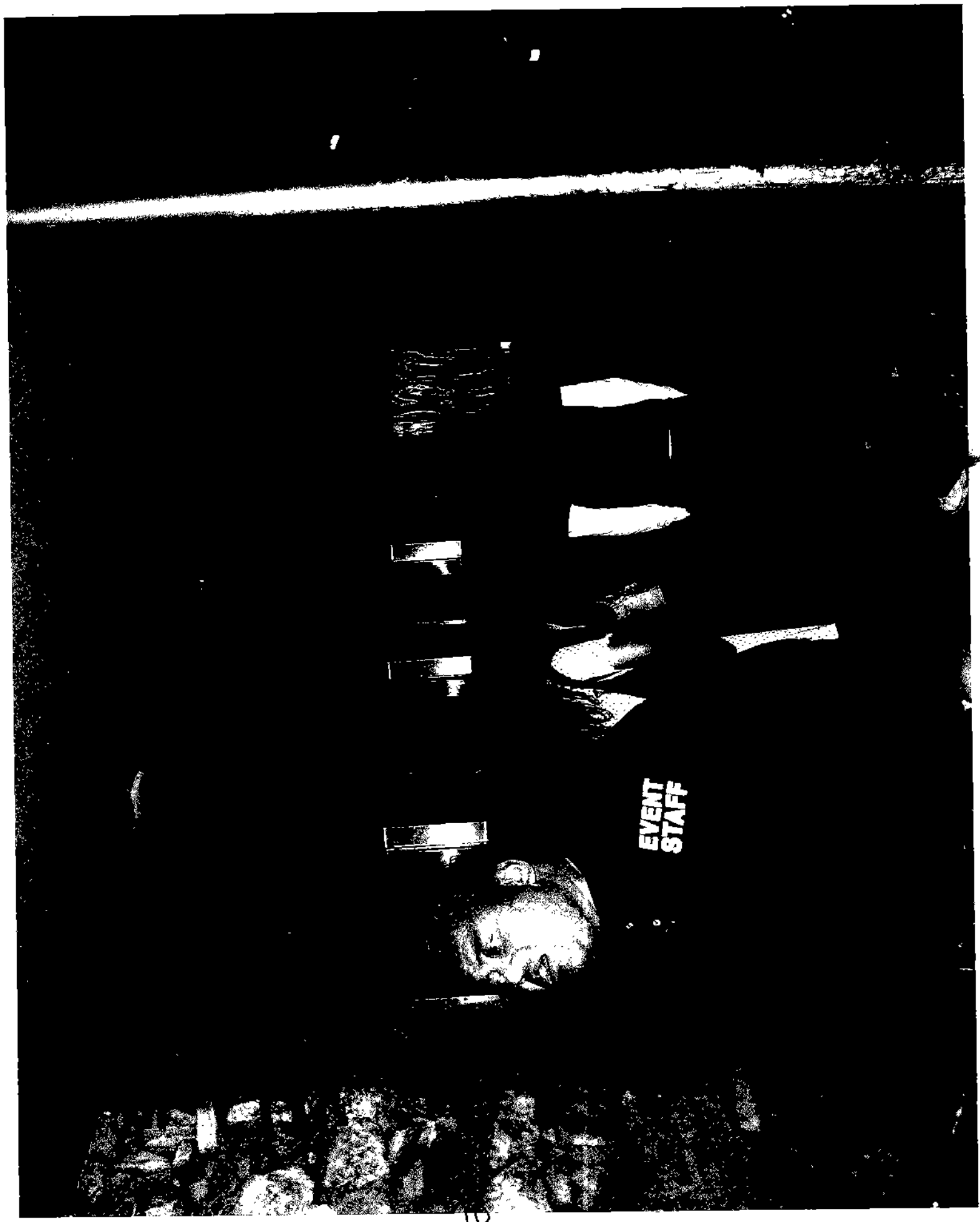
Sincerely,

A handwritten signature in black ink, appearing to read "Dan Bradley", is written over the signature line.

Dan Bradley
Proprietor/Managing Member



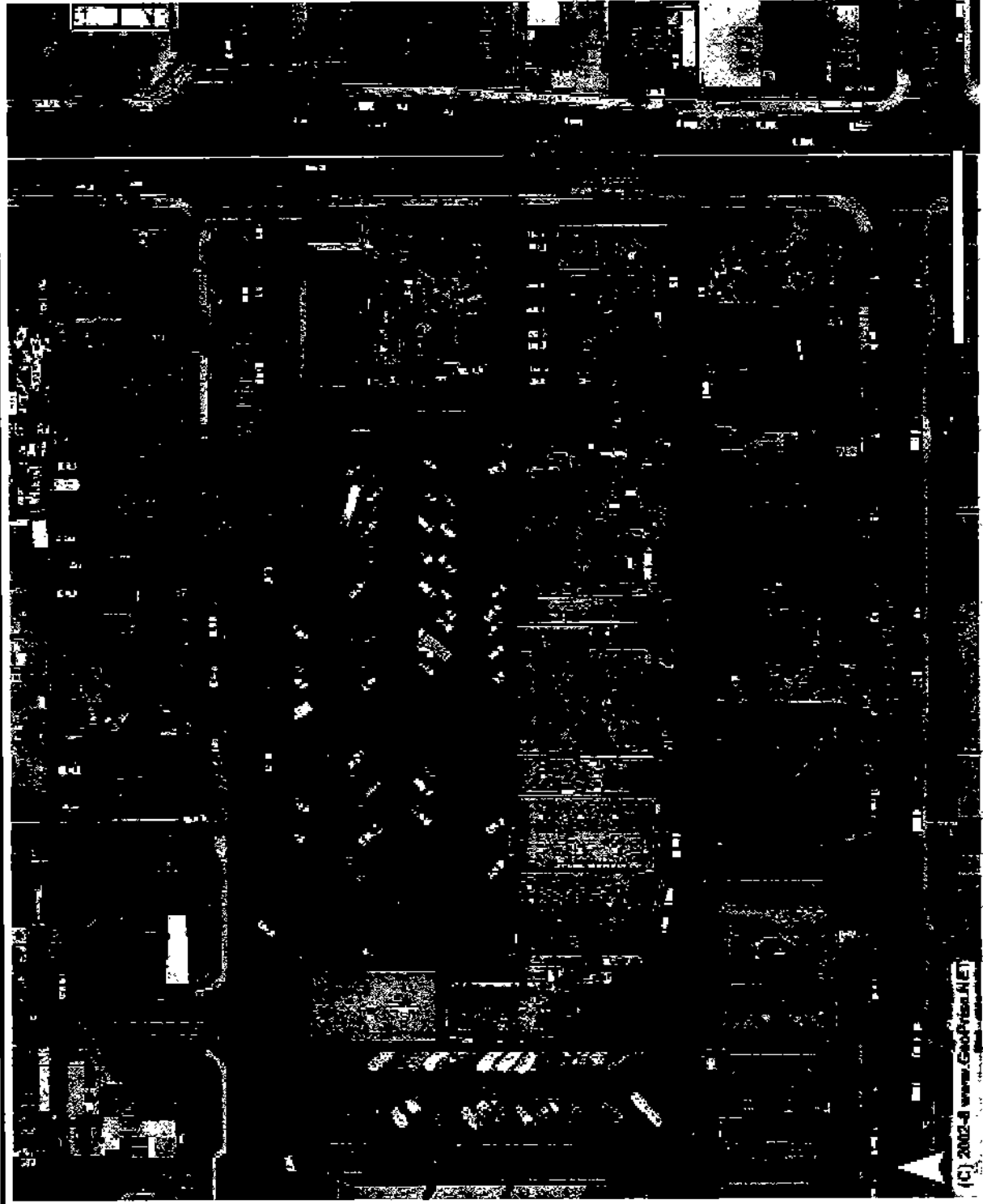
INDEX SHEET	
Cover Sheet	
PLANS:	
Site Plan	
Floor Plan	
ELEVATIONS:	
Front Elevation	
Side Elevation	
DETAILS:	
Railing Detail	
Steel Plate Detail	



Overview Map



Map Display



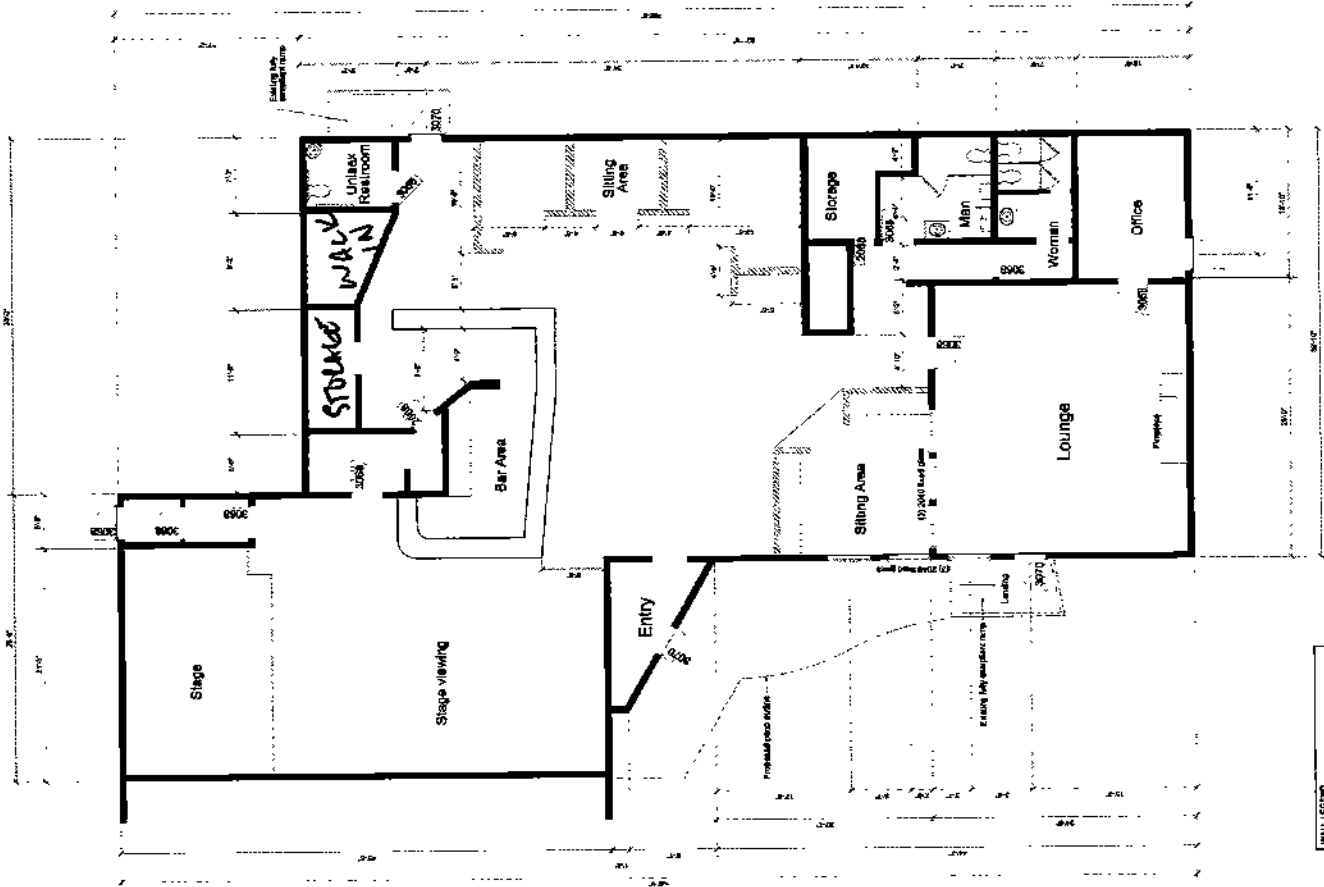
Legend

- Address Medium
- Address Points
- Freeway
- Street Names
- Parcel Lines
- City Boundary
- Level 1 Ortho Photo city

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RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JAN 25 2008



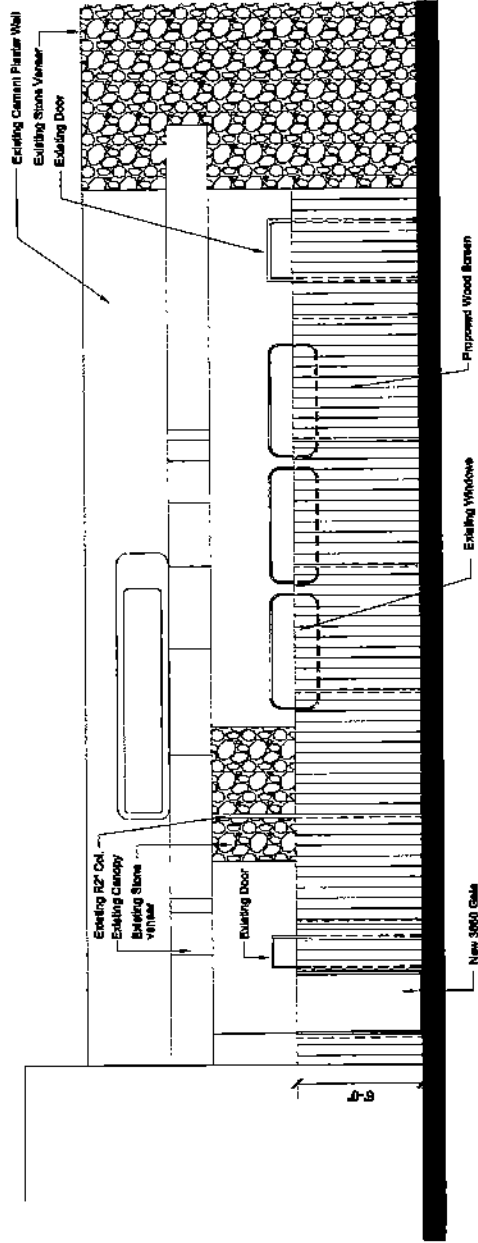
WALL LEGEND
Existing floor plan only 02/07/2007

EXISTING FLOOR PLAN

Scale: 1/8" = 1'-0"

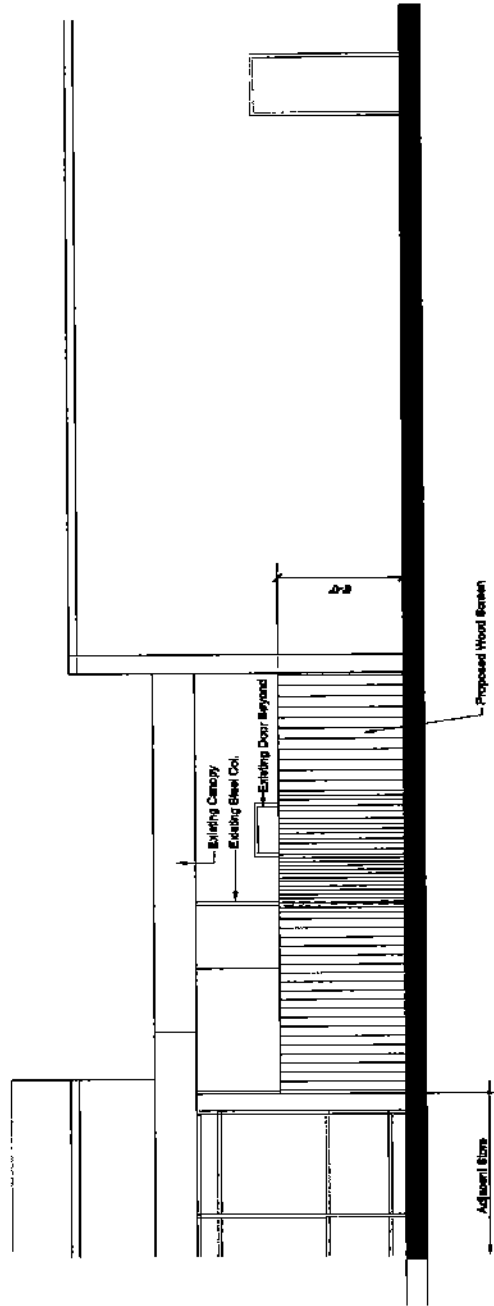
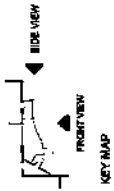
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SCALE 1/4" = 1'-0"



FRONT ELEVATION

SCALE 1'-0" = 1/4"



SIDE ELEVATION

SCALE 1'-0" = 1/4"